

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Floyd Mayweather,
Plaintiff,
v.
The Wine Bistro, et al.,
Defendants.

Case No.: 2:13-cv-210-JAD-VCF

**Order Adopting Report and
Recommendation [Doc. 58] and
Granting Mayweather's Amended
Motion for Default Judgment
[Doc. 46]**

Plaintiff Floyd Mayweather filed an Amended Motion for Default Judgment against remaining defendants 2nd To None Entertainment and The Wine Bistro in this case,¹ in which he seeks (1) statutory damages under NRS § 597.810; (2) an award of reasonable attorney's fees and costs; and (3) an order permanently enjoining defendants from "using Plaintiff's name, likeness, or persona without authorization." Doc. 46 at 14-16. The matter was referred to U.S. Magistrate Judge Cam Ferenbach for findings and recommendations. After conducting an evidentiary hearing, Judge Ferenbach issued a detailed, 18-page evaluation of Mayweather's motion, which recommended granting the request for a default judgment against both remaining defendants; awarding Mayweather statutory damages of \$2,250—treble the statutory minimum—under NRS § 597.810; awarding Mayweather attorney fees of \$17,408.48 and costs of \$1,084; and permanently enjoining The Wine Bistro and 2nd To None Entertainment, their "officers, agents, servants, employees, and attorneys, and other persons who are in active concert and participation with" them, "from using Plaintiff's name and likeness for commercial gain." Doc. 58 at 16-17. Additionally, as all other defendants had been previously dismissed from the case, Judge Ferenbach recommends

¹ Mayweather also sued Maurice Flippen, Ronald Daniels, Blake Turner, Lee Bates, Ernest Johnson, Jr., ZB Entertainment LLC, Zakee Boyd, Leber Inc., and Anward "Ward" Jenkins. Doc. 6 at 2-3. All of these defendants had been terminated from the case by the time Mayweather filed his Amended Motion for Default Judgment.

1 entering a final judgment against The Wine Bistro and 2nd To None Entertainment. *Id.* at
2 17.

3 Judge Ferenbach issued his report and recommendation on November 17, 2014.
4 Objections were due December 2, 2014. No objections have been filed. “[N]o review is
5 required of a magistrate judge’s report and recommendation unless objections are filed.”²

6 Accordingly, and with good cause appearing,

7 It is HEREBY ORDERED that Magistrate Judge Ferenbach’s report and
8 recommendation **[Doc. 58] is ADOPTED.**

9 It is FURTHER ORDERED that Mayweather’s Amended Motion for Default
10 Judgment **[Doc. 46] is GRANTED.**

11 It is FURTHER ORDERED, ADJUDGED, and DECREED that Final Judgment is
12 entered in favor of Mayweather and against the Wine Bistro and 2nd To None Entertainment,
13 jointly and severally as follows:

- 14 1. Damages in the amount of \$2,250. NRS § 597.810(b)(1);
- 15 2. Attorney fees in the amount of \$17,408.08. 15 U.S.C. § 1117(a); NRS §
16 41.600(3)(c); and
- 17 3. Costs of \$1,084. 15 U.S.C. § 1117(a); NRS § 41.600(3)(c).

18 It is FURTHER ORDERED, ADJUDGED, and DECREED that The Wine Bistro, 2nd
19 To None Entertainment, their officers, agents, servants, employees, and attorneys, and other
20 persons who are in active concert or participation with them, are permanently enjoined from
21 using the Plaintiff’s name and likeness for commercial gain. 15 U.S.C. § 1116(a); NRS §
22 597.810(1)(a).

23 The clerk of court is instructed to enter judgment accordingly and close this case.

24 DATED: December 4, 2014.

25 
26 Jennifer A. Dorsey
United States District Judge

27 _____
28 ² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003). *See also Thomas v. Arn*, 474
U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).